IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8256 of 2005

Between:

L.N. Swamy Engineering Company, Rep. by its Proprietor,
aged about 65 years, Occ: Business, R/o. Behind Andhra Bank,
Mahaboobnagar District.

..... PETITIONER

AND

1 The Authority U/sec. 50 of the A.P. Shops

& Establishments Act and Labour Officer,

Mahaboobnagar, Mahaboobnagar District.
2 Mohd. Raheemuddin @ Babu, S/o. Md. Faqruddin,
R/o. 1-9-119/2, Simhagiri, New Gunj, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order, direction or writ more particularly one in the nature of writ of certiorari calling the records in I.A.No. 1 of 2005 in S.C.No. 9 of 2003 on the file of the 1st Respondent and quash the order, dt. 4-2-2005 passed by the 1st Respondent in I.A.No. 1 of 2005 in S.C.No. 9 of 2003.

Counsel for the Petitioner : Mr. K.LAKSHMAN

Counsel for the Respondents: GP FOR LABOUR

The Court at the admission stage made the following :

ORDER:

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This Writ Petition is filed seeking to call for the records in I.A.No.1 of 2005 in S.C.No.9 of 2003, on the file of the

1st respondent, and to quash the order dated 04-02-2005 passed by the 1st respondent in I.A.No.1 of 2005 in S.C.No. 9 of 2003.

2. The learned counsel for the petitioner contended that the

ex parte order does not contain any reasons and therefore, it is liable to be set aside and that an opportunity may be given to the petitioner to cross-examine P.Ws.1 and 2.

3. Perused the impugned order. The petition to recall P.Ws.1 to 3 was dismissed on the ground that the opposite party as well as his counsel was absent continuously on 04-09-2004, 15-09-2004 and

22-09-2004 and therefore, the Interlocutory Application filed by the petitioner was dismissed. It is not a case of violation of any principles of natural justice. On 24-04-2003 when P.Ws.2 and 3 were examined, the opposite party-petitioner did not cross-examine P.W.1 and was absent on 04-09-2004, 15-09-2004 and 22-09-2004 continuously. Therefore, it is not the case of denial of having any opportunity to cross-examine the witnesses.

4. Under the aforementioned circumstances, the Writ Petition is devoid of merits. Since the order under challenge does not suffer from any incurable legal infirmities so as to call for the interference of this Court, this Writ Petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. No order as to costs.

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(K.C.BHANU,J)

13th April, 2005.

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To

1 The Authority U/sec. 50 of the A.P. Shops

& Establishments Act and Labour Officer,

Mahaboobnagar, Mahaboobnagar District.

2 Two CCs to the G.P for Labour, High Court Buildings,

Hyderabad. (OUT)

3 Two CD copies.